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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,682	06/20/2003	Don R. Burns	LA-5336-111US/10305919	6735

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FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES, CA 900172576

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,682

Applicant(s)

BURNS, DON R.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11 and 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second Office Action for serial number 10/600,682, System for Mounting a Flat Panel Display, filed on June 20, 2003. Claims 1-4, 6-11, and 13-28 are pending.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6-11 and 13-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,433,444 to Smith. Regarding claims 1-4, 6-11 and 13-28, Smith discloses a mounting system (Fig. 1) comprising: a mounting plate (10) including a radial first portion (bottom surface of 10 adjacent 12) having an elevated shoulder (stepped portion of 10 shown in Fig. 3) and a second surface portion (top surface of 10 adjacent 16) having two mounting holes (adjacent 14 generally); an articulating support arm (21, 30) including a first arm segment (21) rotatably affixed to a second arm segment (30) at a first joint (32 generally), an outward extending radial flange (18, 20) at a first end and a cylindrical portion (30 generally), wherein the first joint is adapted to provide adjustable resistance to rotation between the first and second arm segments (col. 1, lines 18-21); a cover (23, 24, 12) including a central aperture, a first spacer (12) abutting the first portion of the mounting plate, an annular spacer (23) disposed about the cylindrical portion of the support arm adjacent the radial flange (18, 20); the cover being affixed to the mounting plate (10) with the first spacer (12), the radial flange (18,

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20), and the annular spacer (23) disposed therebetween and with a second end (44 generally) of the support arm extending through the central aperture; and a bracket (36) rotatably affixed to the second end of the support arm; wherein the bracket is adapted to maintain a chosen orientation relative to the support arm under load; wherein the support arm (21, 30) is rotatable relative to the mounting plate about an axis defined by the radial flange (18, 20); and wherein the mounting plate and cover are adapted to exert adjustable axial pressure on the radial flange (18, 20).

Response to Arguments

Applicant's arguments filed 9/20/04 have been fully considered but they are not persuasive.

Regarding applicant's argument that Smith does not teach the mounting plate and cover being adapted to exert adjustable axial pressure on the radial flange and that the locking mechanism of Smith teaches away from the system of claim 1, examiner respectfully disagrees. As described in the rejection of claim 1 above, Smith discloses a cover comprising members (12, 23, and 24). Smith further teaches the locking mechanism (23, 24) being selectively engageable with the radial flange (18, 20), see col. 3, line 70 through col. 4, line 3. Therefore, the cover of Smith is adapted to exert adjustable axial pressure on the radial flange.

Regarding applicant's argument that Smith does not teach the limitations of claim 3, examiner respectfully disagrees. The bracket (36) is considered to be adapted to maintain a chosen orientation (such as the orientation shown in Fig. 3), relative to the support arm (21, 30), under load (i.e. when appliance 50 is mounted onto the bracket)

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since the bracket itself (as shown in the orientation of Fig. 3) does not pivot in response to the load applied thereto, but only pivots when the support arm is rotated into a non-vertical position such as that shown in Figure 1.

Regarding applicant's argument that Smith does not teach the spacers as recited in claim 6, examiner respectfully disagrees. Smith teaches the spacers as described and applied in the rejection of claim 6 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.



Naschica S. Morrison

Patent Examiner - Art Unit 3632

12/10/04



ANITA KING
PRIMARY EXAMINER